

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA**

January 19, 2006

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 419**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: New Rule 2.16 – Suspension of deadlines terminated; extension of deadlines

Issue Date: January 19, 2006

At its meeting on January 11, 2006, the Commission adopted the following rule:

2.16 Suspension of deadlines terminated; extension of deadlines.

- (a) The suspension of deadlines provided for by emergency rule 2.15 shall terminate effective January 12, 2006.
- (b) Except as provided in subsection (c), all deadlines that would have lapsed between August 29, 2005 and January 11, 2006¹ are extended to February 13, 2006.
- (c) As to actions pertaining to employees whose work or home domicile on August 29, 2005, was in Cameron, Jefferson, Orleans, Plaquemines, St. Bernard, and Vermilion Parishes, all deadlines that would have lapsed or will lapse between August 29, 2005 and May 31, 2006 are extended to June 1, 2006.

¹ This date was miscalculated. It should have been February 12, 2006. The error leaves an unintended gap.

- (d) This rule does not apply to the deadlines in rules 13.36(b)2 and 13.37, which are established by the state constitution.

The rule, as adopted, represents a revision to the proposal announced in General Circular 1640. The new rule has generally the same effect as the original proposal. However, it explains those effects concretely.

If there are any questions concerning the subject matter of this Transmittal Sheet, please call Program Assistance at (225) 342-8274.

NOTE: Anyone not covered by Section (c) of this rule whose deadline lapsed or will lapse from January 12, 2006 through February 12, 2006 should contact one of the following persons immediately:

Robert Boland at 225-342-8272 or Robert.boland@la.gov
Laura Holmes at 225-342-8070 or laura.holmes@la.gov

Please make the following changes in your Civil Service Rules:

<u>REMOVE</u>		<u>INSERT</u>	
<u>Page</u>	<u>T/S</u>	<u>Page</u>	<u>T/S</u>
20.10.3	306	20.10.3	306
20.10.4	418	20.10.4	419

Sincerely,

s/Anne Soileau
Acting Director

- (g) Action by any person taken or ordered to be taken without approval of the Commission when such approval for the action is required by either the State Constitution or by Civil Service Rule.
- (h) Failure of any person to comply with any order or directive of the Commission unless otherwise stayed by a Court of proper jurisdiction or unless within the time limits for such compliance provided by applicable rule or law.
- (i) Willful failure of an attorney to appear at the time and place set for the hearing in which he is to participate.

2.12 Procedure for Punishing for Contempt.

- (a) When a person has committed a contempt of the Commission or a Referee in the presence of the Commission or a Referee, he may be found guilty and punished therefore by the Commission or Referee forthwith, without any trial other than affording him an opportunity to be heard orally by way of defense or mitigation.
- (b) When a person is charged with committing a contempt outside of the presence of the Commission or a Referee, he shall be tried by the Commission or the Referee on a Rule to show cause alleging the facts constituting the contempt. The Rule may be issued by the Commission or Referee on its own motion, or on motion of the Director.
- (c) A copy of the motion and of the Rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the Rule.
- (d) If a person charged with contempt is found guilty, the Commission or a Referee shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.
- (e) Should a person served in accordance with this Rule fail to appear at the time, date, and place set for the hearing on the Rule, the Commission or Referee may order any law enforcement officer to apprehend and to bring before the Commission or Referee the person charged with contempt, to proceed with the hearing in the absence of the person charged, or to institute proceedings before the judiciary of this State as the Commission or Referee deems proper.

2.13 Penalties for Contempt.

- (a) In addition to that which is provided for in these Rules, the Commission or a Referee may punish a person adjudged guilty of contempt of the Commission or the Referee by a fine of not more than five hundred dollars (\$500.00).
- (b) Money collected pursuant hereto shall be paid into the General Treasury of the State of Louisiana in accordance with law.

2.14 Commanding Immediate Presence.

In addition to that which is provided for herein, the Commission or a Referee may order any law enforcement officer to locate and bring before the Commission or the Referee any person who fails to appear at a hearing pursuant to a subpoena if proof of service appears of record and if the immediate presence of that person will facilitate the progress of the subject hearing.

2.15 Suspension of deadlines

All deadlines imposed by these rules are suspended until the state of emergency resulting from Hurricane Katrina is terminated. This rule shall apply retroactively to August 29, 2005. **[Adopted on an emergency basis on 9/14/05; expired on January 12, 2006]**

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